

1 Joshua A. Vittor (SBN 326221)
2 joshua.vittor@wilmerhale.com
3 WILMER CUTLER PICKERING
4 HALE AND DORR LLP
5 350 South Grand Avenue, Suite 2400
6 Los Angeles, CA 90071
7 Tel.: (213) 443-5375
8 Fax: (213) 443-5400

9 Debo P. Adegbile (*pro hac vice forthcoming*)
10 debo.adegbile@wilmerhale.com
11 Alan Schoenfeld (*pro hac vice forthcoming*)
12 alan.schoenfeld@wilmerhale.com
13 WILMER CUTLER PICKERING
14 HALE AND DORR LLP
15 7 World Trade Center
16 250 Greenwich Street
17 New York, NY 10007
18 Tel.: (212) 230-8800
19 Fax: (212) 230-8888

20 *Attorneys for Defendant*
21 *Uber Technologies, Inc.*

22 KRISTEN CLARKE
23 Assistant Attorney General
24 STEPHANIE M. HINDS (CABN 154284)
25 Acting United States Attorney
26 MICHELLE LO (NYRN 4325163)
27 Chief, Civil Division
28 DAVID M. DEVITO (CABN 243695)
Assistant United States Attorney
450 Golden Gate Avenue
San Francisco, CA 94102
Tel.: (415) 436-7332
Fax: (415) 436-6748
david.devito@usdoj.gov

29 CHERYL ROST
30 MATTHEW FAIELLA
31 SARAH GOLABEK-GOLDMAN
32 DAVID W. KNIGHT
33 Trial Attorneys
34 Civil Rights Division
35 U.S. Department of Justice
36 950 Pennsylvania Ave., NW- 4CON
37 Washington, DC 20530
38 Telephone: (202) 616-5311
39 Fax: (202) 307-1197
40 cheryl.rost@usdoj.gov

41 *Attorneys for Plaintiff*
42 *United States of America*

43 **UNITED STATES DISTRICT COURT**

44 **NORTHERN DISTRICT OF CALIFORNIA**

45 **SAN FRANCISCO DIVISION**

46 UNITED STATES OF AMERICA

47 Plaintiff,

48 v.

49 UBER TECHNOLOGIES, INC.

50 Defendant.

51 Case No. 3:21-cv-08735-WHA

52 **STIPULATION AND [PROPOSED]
53 ORDER TO EXTEND DEADLINE FOR
54 JOINT SITE INSPECTION UNDER
55 GENERAL ORDER 56**

56 STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR JOINT SITE
57 INSPECTION UNDER GENERAL ORDER 56
58 No. 21-cv-08735 (WHA)

1 Pursuant to Civil Local Rule 7-12 of the Northern District of California Civil Local Rules
2 and General Order No. 56 ¶ 3, Defendant Uber Technologies, Inc. and Plaintiff United States of
3 America, together (the “Parties”), hereby stipulate and agree as follows:
4

5 WHEREAS, the United States filed its Complaint (ECF No. 1) on November 10, 2021;

6 WHEREAS, the Complaint alleges that Uber’s policy of charging wait time fees for riders
7 who require more than two minutes to board a vehicle, including riders who require more time
8 because of their disabilities, violates Title III of the Americans with Disabilities Act, 42 U.S.C.
9 §§ 12181–89, as amended, and its implementing regulation, 49 C.F.R. Part 37;

10 WHEREAS, an initial case management scheduling order under General Order 56 was
11 entered on November 12, 2021, (ECF No. 8);
12

13 WHEREAS, Uber waived service of the Summons and Complaint on November 15, 2021,
14 (ECF No. 16);
15

16 WHEREAS, the United States maintains that the Complaint asserts claims “based on the
17 accessibility of a website or mobile software application,” and so a joint site inspection is required
18 under General Order 56 ¶ 7(c);
19

20 WHEREAS, Uber maintains that the Complaint alleges only a “programmatic or policy
21 violation[]” for which no such inspection is necessary under General Order 56 ¶ 7(a);
22

23 WHEREAS, notwithstanding this disagreement, the Parties have agreed to a joint site
24 inspection as described in General Order 56 ¶ 7;
25

26 WHEREAS, the deadline for a joint site inspection under General Order 56 ¶ 7 is now
27 January 14, 2022;
28

STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND DEADLINE FOR JOINT SITE
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1 WHEREAS, the Parties continue to discuss the parameters of the joint site inspection, and
2 Uber needs additional time to prepare given detailed questions from the United States and the
3 intervening holidays;

4 WHEREAS, while the United States is and remains prepared to proceed with the joint site
5 inspection within the time set by General Order 56, the United States consents to an extension of
6 the deadline to conduct a joint site inspection until February 4, 2022, as a courtesy based on
7 Uber's representation that it is not feasible for Uber to conduct the inspection by January 14,
8 2022;

9 WHEREAS, this is the first extension of time requested for the joint site inspection in this
10 matter;

11 **IT IS HEREBY STIPULATED AND AGREED** by the United States and Uber, pursuant
12 to General Order 56 and Civil Local Rule 7-12, that the deadline for the Parties to conduct a joint
13 site inspection shall be extended to February 4, 2022, and all other dates that are calculated based
14 on the inspection date will be adjusted accordingly.

15 Dated: December 23, 2021

16 Respectfully submitted,

17 KRISTEN CLARKE
18 Assistant Attorney General
19 Civil Rights Division

20 s/ Cheryl Rost
21 Cheryl Rost
22 Trial Attorney

23 STEPHANIE M. HINDS
24 Acting United States Attorney

25 s/ David M. Devito
26 David M. DeVito
Assistant United States Attorney

27 /s/ Joshua A. Vittor
Joshua A. Vittor (SBN 326221)
joshua.vittor@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
350 South Grand Avenue, Suite 2400
Los Angeles, CA 90071
Tel.: (213) 443-5375
Fax: (213) 443-5400

28 Alan E. Schoenfeld (*pro hac vice*
forthcoming)
alan.schoenfeld@wilmerhale.com
Debo P. Adegbile (*pro hac vice*
forthcoming)
debo.adegbile@wilmerhale.com

STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND DEADLINE FOR JOINT SITE
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No. 21-cv-08735 (WHA)

1 *Attorneys for Plaintiff*
2 *United States of America*

WILMER CUTLER PICKERING
HALE AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel.: (212) 230-8800
Fax: (212) 230-8888

5 *Attorneys for Defendant*
6 *Uber Technologies, Inc.*

28 STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND DEADLINE FOR JOINT SITE
 INSPECTION UNDER GENERAL ORDER 56
 No. 21-cv-08735 (WHA)

1 **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

3 The deadline for the Parties to complete a joint site inspection under General Order 56 is
4 continued to February 4, 2022, and all other dates that are calculated based on the inspection date
5 will be adjusted ~~accordingly~~ by 21 days only.

6
7 DATED: December 23, 2021.

8 By: 
9

10 Hon. William H. Alsup
11 UNITED STATES DISTRICT JUDGE
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28 STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND DEADLINE FOR JOINT SITE
INSPECTION UNDER GENERAL ORDER 56
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2021, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: December 23, 2021

Respectfully submitted,

/s/ Joshua A. Vittor

Joshua A. Vittor

ATTORNEY ATTESTATION

I, Joshua A. Vittor, am the ECF User whose ID and password are being used to file this Stipulation and accompanying proposed order. In compliance with Civil Local Rule 5-l(h)(3), I hereby attest that concurrence in the filing of this document and all attachments has been obtained from each signatory.

Dated: December 23, 2021

Respectfully submitted,

/s/ Joshua A. Vittor

Joshua A. Vittor

STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND DEADLINE FOR JOINT SITE
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